

ORDINANCE # 2012-12C

AN ORDINANCE AMENDING AN ORDINANCE entitled, “Code of the Borough of Beach Haven, County of Ocean, State of New Jersey, (2000)” as the same in Chapter 151 Section 2 deal with Responsibility of owner of premise to remove weeds, trash and debris and Section 15 deal with violations and penalties.

THE MUNICIPAL COUNCIL OF THE BOROUGH OF BEACH HAVEN DO ORDAIN:

SECTION I

PURPOSE

The purpose of this Ordinance is to more clearly define the requirements to remove weeds, trash and debris from properties in violation of this code and to clearly define the violations and penalties.

SECTION II

Chapter 151 Section 2 of an ordinance entitled “**Code of the Borough of Beach Haven, County of Ocean, State of New Jersey, (2000)**” are hereby repealed and in lieu and in place thereof the following paragraph:

§ 151-2. Responsibility of owner of premises to remove weeds, trash and debris.

Whenever brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, grass in excess of 8 inches, filth, garbage, trash, debris or any of said articles shall be gathered or shall accumulate or are permitted to be gathered or accumulated on any land or at any place within the limits of the Borough of Beach Haven, in the County of Ocean, in such a manner as to constitute a fire hazard or a menace to public health, safety or general welfare, and when it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, to remove such articles, then the owner, tenant or person having charge or control over the premises where any such material has accumulated shall remove or cause the removal of said articles as provided for in this article.

SECTION III

Chapter 151 Section 15 of an ordinance entitled “**Code of the Borough of Beach Haven, County of Ocean, State of New Jersey, (2000)**” are hereby repealed and in lieu and in place thereof the following:

§ 151-15. Violations and penalties.

Any violation of Chapter 151 shall be punished as prescribed in the following penalties:

(1) Penalties. As an accommodation to the taxpayers, residents and visitors to the Borough of Beach Haven, the Property Maintenance Ordinance will be enforced, in the first instance, by the imposition of civil penalties assessed by the Code Enforcement Officer of the Borough of Beach Haven or any police officer of the Beach Haven Police Department. A civil penalty notice issued by any of these enforcing officials shall bear a civil penalty of \$100 for the first violation and \$200 for the second violation. Third and subsequent violations shall be prosecuted in the Municipal Court of the Borough of Beach Haven by the issuance of a summons and complaint issued by any of the two above-named officials.

(2) Where any civil penalty assessed as provided in Subsection 1 above has not been paid and satisfied within 30 days of assessment, a summons issued from the Municipal Court of the Borough of Beach Haven shall be issued to the property owner of the offending property. The summons may be issued by the Code Enforcement Officer of the Borough of Beach Haven and any such summons shall be signed in the presence of the Court Clerk of the Municipal Court or by any Officer of the Beach Haven Police Department. Upon conviction, a defendant shall be subject to a fine not to exceed \$1,000 or incarceration in the Ocean County Jail for a term not to exceed six months, or both such fine and imprisonment.

SECTION IV

All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION V

If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION VI

This Ordinance shall take effect upon publication thereof after final passage according to law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Borough Council of the Borough of Beach Haven, County of Ocean, State of New Jersey, held on Monday, July 9, 2012 at 7:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Borough Council to be held on Monday, August 13, 2012 at 7:00 p.m. at the Beach Haven Municipal Building, 300 Engleside Avenue, Beach Haven, NJ 08008.

Lauren Rohrer
Deputy Municipal Clerk

CERTIFICATION

I, Lauren Rohrer, Deputy Municipal Clerk of the Borough of Beach Haven, do hereby certify that the foregoing Ordinance was duly adopted on final reading by the Municipal Council of the Borough of Beach Haven at a regular meeting held on the 9th day of July, 2012, a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 9th day of July, 2012.

Lauren Rohrer, Deputy Municipal Clerk

First Reading: *July 9, 2012*
Publication: *July 12, 2012*
Passage: *August 13, 2012*
Final Publication: *August 16, 2012*
Effective: *September 5, 2012*